

REMARKS

This document is in response to the Final Office Action mailed January 12, 2004. Claims 1-26 are pending in the application. Claims 1-22 are allowed. Claims 23-25 are rejected and claim 26 is objected to as being dependent upon a rejected based claim but allowable if rewritten in independent form. Applicants respond to the rejection of claims 23-25 as follows.

Response to Rejection under 35 U.S.C. § 112

Claims 23-25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement on the basis that claim 23 recites "a detector coupled to an actuator and configured to receive a signal from the actuator". Applicants' specification discloses a movable suspension assembly 72 and transducer 102 coupled to the movable suspension assembly 72 and a detector 104 coupled to the transducer 102 and configured to receive a signal from the transducer 102 proportional to vibration of the movable suspension assembly. In an illustrated embodiment, transducer 102 forms or is an actuator. (Applicants' specification, Page 6, lines 9-10, lines 22-25). Thus Applicants' specification as originally filed discloses an actuator (transducer 102) coupled to the movable suspension assembly 72 and a detector 104 coupled to the actuator (or transducer 102) and configured to receive a signal proportional to vibration of the movable suspension assembly. Based upon the foregoing, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112 are respectfully requested.

Response to Rejection Under 35 U.S.C. §102

Claims 23 and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Evans, U.S. Patent No. 5,862,015. The Office Action sets forth that Evans discloses a load beam which "is part of an actuator arm which is connected to the actuator as claimed"

and a detector (element 10, for example) which "is coupled to the load beam of an actuator arm, and hence the detector is coupled to the actuator as claimed". However, the claims further recite that the detector is configured to receive a signal from the actuator proportional to vibration of the movable suspension assembly. The Office Action conclusively states and erroneously concludes that Evans discloses a detector coupled to an actuator and "configured to receive signal [sic] from the actuator proportional to vibration of the movable suspension assembly" on page 3 of the Office Action without any factual support or reference to Evans to establish that Evans teaches the recited claim limitation. Element 10 of Evans is not configured to receive a signal from an actuator. Accordingly, - the Office Action fails to establish a *prima facie* case that claims 23 and 25 are unpatentable over Evans and thus the rejection should be withdrawn. Reconsideration and allowance of claims 23 and 25 are respectfully requested.

Response to Rejection Under 35 U.S.C. §103

Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans et al in view of Novotny, U.S. Patent No. 6,362,542. Claim 24 is dependent upon claim 23 which as discussed is not taught by Evans nor the further combination of Novotny and accordingly, reconsideration and allowance thereof is respectfully requested.

Remarks Regarding Allowable Subject Matter


Claims 1-22 are allowed and claim 26 is objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form. Claim 26 is dependent upon claim 23 which is believed allowable and allowance thereof is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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